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THE SITUATION CONCERNING WESTERN SAHARA

Report by the Secretary-General

I. INTRODUCTION

1. In response to Security Council resolution 907 (1994) of 29 March 1994, I submitted a report to the Council on 12 July 1994 (S/1994/819). The present report provides an account of further progress made by the United Nations Mission for the Referendum in Western Sahara (MINURSO) in the identification and registration process, in pursuance of resolution 907 (1994) and the statement by the President of the Security Council of 29 July 1994 (S/PRST/1994/39). It is divided into four main sections. Sections II and III provide an update on the activities of the military and the civilian police components of MINURSO since my report of 12 July 1994. Section IV covers the identification process and related questions. Section V contains my observations.

II. MILITARY ASPECTS

2. As of 25 October 1994, the military component of MINURSO, headed by the Force Commander, Brigadier-General André Van Baelen (Belgium), totalled 272 personnel, comprising 222 military observers and 50 military support personnel, as follows:

(a) Military observers and headquarters personnel

Argentina	7
Austria	4
Bangladesh	7
Belgium	1
China	20
Egypt	9

	France	30
	Ghana	4
	Greece	1
	Guinea	1
	Honduras	14
	Ireland	9
	Italy	5
	Kenya	7
	Malaysia	6
	Nigeria	4
	Pakistan	4
	Poland	2
	Republic of Korea	2
	Russian Federation	28
	Tunisia	10
	United States of America	30
	Uruguay	15
	Venezuela	2
	Total	222
(b)	Military support personnel	
(i)	Movement control: Honduras	2
(ii)	Medical unit: Korea, Republic of	40
(iii)	Clerical: Ghana	8
	Total	50
	Grand total	272

3. Pending the fulfilment of the conditions necessary for the commencement of the transitional period, the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire that has been in effect since 6 September 1991. Accordingly, the deployment of the military component of MINURSO remains limited to military observers and the necessary military support personnel. The cease-fire continues to hold, with only two minor violations during the reporting period, one on the part of Morocco and one on the part of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO).

4. As I informed the Security Council in my report of 12 July 1994 (S/1994/819), the medical unit provided by the Government of Switzerland was scheduled to complete its withdrawal from MINURSO by mid-August 1994. The advance team of the replacement medical unit, provided by the Government of the Republic of Korea, was deployed on 11 August 1994 and became fully operational as of 3 October 1994. It will be recalled that the military movement control and signals units were withdrawn by their contributing countries, Canada and Australia respectively, earlier this year. Since that time, most movement control functions have been assumed by civilian staff and military observers have operated the radio system, in addition to their primary functions. When the transitional phase of the implementation plan (S/22464 and Corr.1) is initiated, it will be necessary for the present signals and movement control elements to be manned by full military support units.

III. CIVILIAN POLICE

5. In pursuance of Security Council resolution 907 (1994), which authorized the Identification Commission to proceed with the identification and registration of potential voters, the civilian police component of MINURSO was increased from 26 to 55 officers. As of 25 October 1994, the unit, headed by the Police Commissioner, Colonel Juergen Friedrich Reimann (Germany), totalled 50 personnel from the following countries:

Austria	10
Germany	5
Malaysia	15
Nigeria	5
Norway	5
Togo	5
Uruguay	5
Total	50

6. In accordance with the settlement plan (S/21360 and S/22464 and Corr.1), the task of the civilian police unit of MINURSO is:

(a) To ensure tranquillity and maintain law and order in the vicinity of, and at, voter registration offices and polling stations, to ensure that no person is denied entry for the purposes of registration or voting and, when specifically so ordered, to maintain order at other locations where activities in connection with the referendum, under MINURSO auspices or authority, are taking place;

(b) To monitor the activities of the existing police forces so as to ensure that they are acting in strict accordance with the settlement plan, which is intended to secure the organization of a free and fair referendum without military or administrative constraints and to prevent any possibility of intimidation or interference from any quarter.

7. According to the initial timetable set out in the plan (S/22464), the Identification Commission should start the identification and registration of potential voters on D-Day, which marks the beginning of the transitional period. However, this operation was brought forward in pursuance of Security Council resolution 907 (1994) and launched on 28 August 1994, as reported below. The civilian police unit of MINURSO had therefore assumed the functions referred to in subparagraph 6 (a) above, even though the transitional period has not yet begun.

IV. IDENTIFICATION PROCESS AND RELATED QUESTIONS

8. In my report of 12 July 1994 (S/1994/819), I noted that the Identification Commission had focused its efforts on achieving the agreement and cooperation of both parties in order to proceed with the identification of potential voters. During their consultations with the Commission, the two parties had agreed on two Saharan tribal subgroups (subfractions) with which to start the operation and on the relevant sheikhs to assist the Commission in determining the identity and eligibility of applicants who were members of those subfractions. Arrangements had also been agreed for the security, travel and accommodation of the sheikhs concerned, as well as the representatives of the parties who were to observe the process. The Commission had thus succeeded in completing, with the cooperation of the parties, all the necessary groundwork for launching the process. It was prepared to begin identifying and registering potential voters on 8 June, simultaneously at Laayoune and the El-Aiun refugee camp in the Tindouf area. However, it could not start as scheduled because of the difficulty over the observers of the Organization of African Unity (OAU), as explained in the same report.

9. In order to overcome that difficulty, I held extensive consultations with President Ben Ali of Tunisia, the current Chairman of OAU, and the Secretary-General of OAU and other interested parties. As a result, I received a letter from the Minister for Foreign Affairs of Tunisia on 23 July 1994, in which President Ben Ali provided a "unique and indivisible" list of four observers, comprising the two observers previously designated and two others. Subsequently, the Identification Commission planned to start identifying and

registering potential voters on 8 August 1994. Every effort was made to have all four observers proceed to the mission area on time. However, because of the unavailability of one newly designated OAU observer and delays in the arrival of his replacement in the Mission area, the identification and registration of potential voters did not begin until 28 August, as described below.

10. Meanwhile, the Deputy Special Representative and Chairman of the Identification Commission, Mr. Erik Jensen, held a series of meetings with the two parties, in Rabat and the Tindouf area respectively, to review and confirm in detail all the arrangements to be implemented, especially those concerning tribal leaders and the observers of the parties and of OAU. On 20 July, he held consultations with Mr. Mustafa Bachir Sayed, Deputy Secretary-General of the Frente POLISARIO and Coordinator with MINURSO. They met again on 3 and 17 August. From 4 to 6 August, the Deputy Special Representative held consultations with the Minister of the Interior and Information of Morocco, Mr. Driss Basri, and other officials. He met again with the Minister on 14 August. While all the arrangements were confirmed, the parties were not ready to have the process begin until all four observers had arrived. The Deputy Special Representative also met with a delegation of the International Committee of the Red Cross (ICRC), which was visiting prisoners-of-war (POWs) in the Tindouf area.

11. On 25 August, the fourth observer designated by the Chairman of OAU reached Casablanca, where the other three had been waiting. They were flown to Laayoune on the following day. On 27 August, a United Nations aircraft carried the observers of the Frente POLISARIO and the sheikhs concerned from Tindouf to Laayoune. The observers of the Moroccan party and the relevant sheikhs were flown from Laayoune to Tindouf, together with two observers. The other two observers remained in Laayoune to observe the process on that side.

12. The identification and registration operation was finally launched on 28 August 1994, with an opening ceremony held simultaneously at Laayoune and the El-Aiun camp in the Tindouf area. From 28 to 31 August, the Identification Commission identified and interviewed the first 400 applicants, members of the two tribal subfractions that had been selected for the beginning of this process. The operation was conducted with the assistance of the sheikhs concerned and in the presence of the observers. It took place at the identification and registration centres set up in Laayoune and the El-Aiun camp. It had to be adjourned on 1 September 1994 because of previous official commitments of some of the observers designated by the Chairman of OAU, but was resumed on 21 September. Meanwhile, the Commission continued to computerize and analyse the 81,500 completed applications forms it had collected thus far.

13. On 7 September 1994, the Frente POLISARIO Coordinator with MINURSO addressed a letter to the Deputy Special Representative, in which he evaluated the first few days of the identification operation and conveyed a number of requests. After careful consideration of these comments and requests, the Deputy Special Representative addressed a reply to the Frente POLISARIO Coordinator on 14 September. On 15 September, he visited the Tindouf area to discuss with the Coordinator the concerns of the Frente POLISARIO and to address other issues relating to the process. There was continuous contact with the responsible Moroccan officials in Laayoune on all relevant matters.

14. In a letter to the parties dated 21 September, the Deputy Special Representative set 15 October 1994 as the deadline for the receipt of applications. On 8 and 9 October, unprecedented heavy rainfall and consequent flash flooding in the Tindouf area caused widespread damage and disruption. In response to an appeal by the Frente POLISARIO Coordinator for a postponement of the deadline because of the interruption in work caused by the weather, a 10-day grace period was granted.

15. In the second half of October, there was a flood of completed application forms. It exceeded the number previously received. Only about 50,000 (about 21 per cent of the total) have been computerized and analysed so far. On the basis of experience so far, it will take about 16 weeks to process the remaining forms, unless additional resources are made available. This inevitably means further lengthy delays in the identification process as the relevant data have to be readily available on computer for the use of Commission members in the identification centres, especially in the case of the many individuals who lack reliable documentation.

16. To date only some 4,000 potential voters from 5 Saharan tribal subfractions have been identified and interviewed, equivalent to less than 2 per cent of the total number of application forms. The identification process, which had started in centres in Laayoune and the El-Aiun camp, was later extended to two other refugee camps in the Tindouf area. Other identification and registration offices are to be established shortly in various population centres in Western Sahara. This was confirmed at a meeting between the Deputy Special Representative and the Moroccan Minister of Interior and Information on 26 October. On 28 October, the Deputy Special Representative also met again with the Frente POLISARIO Coordinator to review progress and plans for the weeks ahead.

V. OBSERVATIONS

17. The launching of the identification and registration of potential voters on 28 August 1994, after numerous delays and considerable effort on the part of all concerned, has marked a significant step towards the fulfilment of the United Nations mandate in Western Sahara. The observers are of the general view that the operation has so far been conducted with appropriate transparency and rigour. The Deputy Special Representative also noted the degree of cooperation between all parties concerned.

18. The Deputy Special Representative has reported that the identification operation is improving with time, thanks to the experience gained daily by the Identification Commission teams, the assistance of the relevant sheikhs and the cooperation of the observers. It is expected that the operation will be accelerated further as Commission teams become more familiar with the detailed procedures and as all the required Commission staff, as approved by General Assembly resolution 48/250 B of 13 July 1994 on the financing of MINURSO, are deployed in the field.

19. Nevertheless, only a very small proportion of the applicants have been identified in the first two months of the process and the potential scale of the

operation has been greatly increased by the last-minute flood of applications. Moreover, the operation is logistically far more complex than was expected, as members of the same tribal subgroups, who must be identified individually with the assistance of their respective sheikhs, are dispersed in different locations and means of communications are limited. Nor is it possible to predict at this stage the number of appeals that may be lodged or the time required to process those appeals.

20. In my report of 12 July 1994, I had indicated my intention to recommend that the transitional period should start on 1 October 1994 and that the referendum should take place on 14 February 1995, subject to the approval of the Security Council. However, it is clear that many months will be required to make sufficient progress in the identification process to be close to determining a date for the referendum and a revised timetable for the steps still to be taken to implement the settlement plan. I will report further to the Security Council on the organization and timing of the referendum after the consultations I intend to hold during my visit to the area in November.

21. In the meantime, it is my intention to dispatch a technical team to the field within the next few days to reassess the logistic and other requirements for the possible deployment of MINURSO at full strength. As mentioned in my last report (S/1994/819), it is also my intention to submit shortly to the two parties a draft code of conduct on which I shall invite their comments.

22. I propose to maintain the existing military and civilian strength of MINURSO, as approved by General Assembly resolution 48/250 B of 13 July 1994, until my next report to the Security Council.